



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 18 2011

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Gary D. Garner  
Operations Manager, Corporate Incinerator  
3M Cottage Grove Center  
P.O. Box 33131  
Cottage Grove, Minnesota 55016-1000

Re: Finding of Violation 3M Corporate Incinerator Cottage Grove, Minnesota

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to 3M Company (3M or you). We find that you are violating Section 112 of the Clean Air Act (CAA), 42 U.S.C. § 7412, at your Cottage Grove, Minnesota facility.

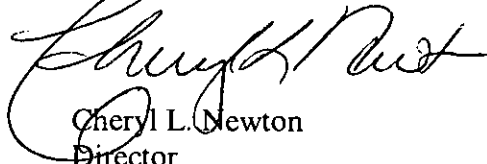
We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Charles Hall. You may call him at (312) 353-3443 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton  
Director

Air and Radiation Division

cc: Jeff T. Connell, Minnesota Pollution Control Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

IN THE MATTER OF:	)	
	)	
3M Company	)	FINDING OF VIOLATION
Cottage Grove, Minnesota	)	
	)	EPA-5-11-MN-02
Proceedings Pursuant to	)	
the Clean Air Act,	)	
<u>42 U.S.C. §§ 7401 et seq.</u>	)	

**FINDING OF VIOLATION**

The U.S. Environmental Protection Agency finds that 3M Company (3M or you) is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, 3M is violating certain General Provisions of the National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40 C.F.R. Part 63, Subpart A as follows:

**Explanation of Violations**

1. 40 C.F.R. § 63.1(a)(4)(i) sets forth: Each relevant standard in this part 63 must identify explicitly whether each provision in this subpart A is or is not included in such relevant standard.
2. Pursuant to 40 C.F.R. § 63.680(f) and Table 2 of the National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations (OSWRO MACT), 40 C.F.R. Part 63, Subpart DD, 40 C.F.R. §§ 63.2, 63.5(b)(1), 63.5(b)(3), 63.5(d)(1)(i), and 63.9(b)(4)(v), among others, apply to owners or operators subject to the OSWRO MACT.
3. 3M owns and operates tanks and transfer systems that are off-site material management units, as defined in the OSWRO MACT, at 10746 Innovation Road, Cottage Grove, Minnesota.
4. The NESHAP General Provisions, at 40 C.F.R. § 63.2, includes the following definition:

Reconstruction, unless otherwise defined in a relevant standard, means the replacement of components of an affected or a previously nonaffected source to such an extent that:

  - (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source; and
  - (2) It is technologically and economically feasible for the reconstructed source to meet the relevant standard(s) established by the Administrator (or a State) pursuant to section 112 of the Act. Upon reconstruction, an affected source, or a stationary source that becomes an affected source, is subject to relevant standards for new sources,

including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

5. The NESHAP General Provisions, at 40 C.F.R. § 63.5(b)(1), sets forth, in part:

An affected source for which reconstruction commences after proposal of a relevant standard is subject to relevant standards for new sources, including compliance dates, irrespective of any change in emissions of hazardous air pollutants from that source.

6. The NESHAP General Provisions, at 40 C.F.R. § 63.5(b)(3), sets forth, in part:

After the effective date of any relevant standard promulgated by the Administrator under this part, no person may, without obtaining written approval in advance from the Administrator in accordance with the procedures specified in paragraphs (d) and (e) of this section, do any of the following:

(iii) Reconstruct a major source such that the source becomes an affected source that is major-emitting and subject to the standard.

7. The NESHAP General Provisions, at 40 C.F.R. § 63.5(d)(1)(i), requires the owner and operator to submit to the Administrator an application for approval of the construction or reconstruction.

8. The NESHAP General Provisions, at 40 C.F.R. § 63.9(b)(4)(v), sets forth, in part:

(4) The owner or operator of a new or reconstructed major affected source for which an application for approval of construction or reconstruction is required under §63.5(d) must provide the following information in writing to the Administrator:

(v) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

9. On August 23, 2004, 3M issued purchase orders for the construction of eight 18,429-gallon storage tanks (Tanks 21, 22, 23, 24, 25, 26, 27 and 28) to replace eight existing storage tanks. 3M completed construction of the eight new tanks in November 2005.

10. On February 11, 2011, 3M submitted a spreadsheet with its reconstruction analysis to EPA. The fixed capital cost for the new tanks was \$7,500,000. The fixed capital cost of a comparable affected new source was \$12,941,600.

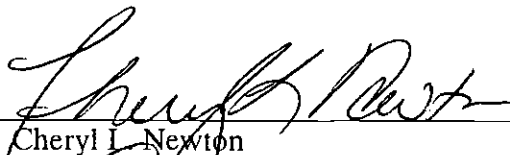
11. Thus, the fixed capital cost of the new tanks exceeded 50 percent of the fixed capital cost that would be required to construct a comparable new source.

12. 3M did not submit an application for approval of the reconstruction of the entire group of off-site waste management units as required by 40 C.F.R. § 63.5(d)(1)(i).

13. 3M did not submit a notification of the actual date of startup of Tanks 21, 22, 23, 24, 25, 26, 27 and 28, delivered or postmarked within 15 calendar days after that date, as required by 40 C.F.R. § 63.9(b)(4)(v).
14. 3M has violated and continues to violate 40 C.F.R. § 63.5(d)(1)(i) by failing to submit an application for approval of the reconstruction of the off-site waste management unit.
15. 3M has violated and continues to violate 40 C.F.R. § 63.9(b)(4)(v) by failing to submit a notification of the actual date of startup of Tanks 21, 22, 23, 24, 25, 26, 27 and 28, delivered or postmarked within 15 calendar days after that date.

Date

4/18/11

  
Cheryl I. Newton  
Director  
Air and Radiation Division

CERTIFICATE OF MAILING

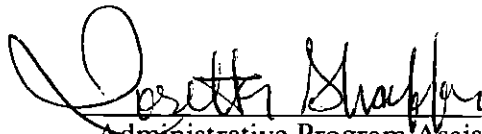
I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-11-MN-02, by Certified Mail, Return Receipt Requested, to:

Gary D. Garner  
Operations Manager, Corporate Incinerator  
3M Cottage Grove Center  
P.O. Box 33131  
Cottage Grove, Minnesota 55016-1000

I also certify that I sent copies of the Finding of Violation by first-class mail to:

Jeff T. Connell, Manager  
Compliance and Enforcement Section  
Industrial Division  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, Minnesota 55155-4194

on the 19 day of April 2011

  
\_\_\_\_\_  
Administrative Program Assistant

Certified Mail Receipt Number: 7001 0320 0006 0192 0126